

# Carroll Free Press:

PUBLISHED BY PEARCE & CHRISTY.

TWENTY-FOURTH CONGRESS.  
SECOND SESSION.

## SENATE.

December, 14.

Mr Goldsborough, of Maryland, appeared and took his seat.

This day was spent in ceremonies of respect to the memories of Elias Kent Kane, late a member of the Senate, and Z. Wildman, of the house, who had died since the recess on Thursday.

On motion of Mr Benton, his motion of Thursday last, that the courtesy of the Senate be extended to the senators from Michigan, by assigning to them seats on the floor, was taken up for consideration.

The question being about to be put.

Mr Clay said that he was not prepared to vote for this motion. He said that Michigan has not been admitted into the Union. He did not wish to prejudice the question, and was opposed to anything that might seem to settle the principal question.

Mr Benton had no desire to examine "musty records" on this subject. He was disposed (to admit them, under certain regulations—they could not vote, or attend the secret sessions, &c. He himself had obtained the same courtesy before the admission of Missouri, and its incidental privileges, &c. Mr Clayton tho' that time should be allowed, & spoke of certain specific objections. Some dry preliminaries were to be considered. The territorial designations of Ohio, Indiana and Illinois, and of the territory of Wisconsin had been changed by Michigan—he wished that these, and all their interests, should be fully before the Senate, previous to any action on the case. He felt constrained to this course; and asked the assent of the Senator from Missouri to lay the resolution on the table.

Mr Benton signified his assent; and Mr. King, of Alabama, expressed a wish to call the attention of the Senator from Missouri to the phraseology of his motion. "The language used is 'in the Senate.'" For this there was no precedent. None but senators could sit within the bar. He had no objection to admit the gentlemen on the floor, but not within the bar. He hoped, before the motion to lay on the table was made, that the Senate would so modify the motion as to remove this objection, by saying "without the bar of the Senate." When the Senators from Missouri applied, the President of the Senate had a right to assign seats, but the Senate had now taken away this power.

The motion was then laid on the table.

Dec. 16.

Mr Calhoun and Mr Preston, from S. Carolina, appeared and took their seats. Mr Calhoun took the oath.

The chair announced the business first in order, being the election of the standing committees.

The Senate proceeded to ballot for a chairman of the committee on foreign relations, when Mr Clay was elected, the ballots being—Clay 23, King, of Alabama, 15, scattering 4.

The next ballot, for chairman of the committee on finance, resulted in the election of Mr Webster, the ballot being—Webster 25, Wright 17, scattering 1.

The next ballot, for chairman of the committee on commerce, resulted in the election of Mr Davis, the ballot being—Davis 22, Hill, 17, scattering 4.

The next ballot, for the chairman of the committee on manufactures, resulted in the election of Knight, the ballot being—Knight 22, Wall 18, scattering 3.

The next ballot, for chairman of the committee on military affairs, resulted in the election of Mr Benton, the ballot being—Benton 20, Black 6, scattering 6.

The next ballot, for chairman of the committee on the militia, resulted in the election of Mr Robinson, the ballot being—Robinson 30, scattering 5.

The next ballot, for chairman of the committee on naval affairs, resulted in the election of Mr Southard, the ballot being—Southard 25, Tallmadge, 17, scattering 1.

The next ballot, for chairman of the committee on public lands, resulted in the election of Mr Ewing, the ballot being—Ewing 24, Morris 15, scattering 3.

The next ballot, for chairman of the committee on private land claims, resulted in the election of Mr Black, the ballot being—Black 25, Linn 17, scattering 1.

The next ballot, for chairman of the committee on Indian affairs, resulted in the election of Mr White, the ballot being—White 36, scattering 2.

The next ballot, for chairman of the committee on claims, resulted in the election of Mr Naudin, the ballot being—Naudin 21; Shepley 15, scattering 5.

The next ballot for chairman of the committee on the judiciary, resulted in the election of Mr Clayton, the ballot being—Clayton 22, Buchanan 10, scattering 3.

The next ballot, for chairman of the committee on the post office and post roads, resulted in the election of Mr Grundy, the ballot being—Grundy 25, scattering 11.

The next ballot, for chairman of the committee on roads and canals, resulted in the election of Mr Hendricks, the ballot being—Hendricks 30, Robinson 1.

The next ballot, for chairman of the committee on pensions, resulted in the election of Mr Tomlinson, the ballot being—Tomlinson 23, Brown 17, scattering 1.

The next ballot, for chairman of the committee on the District of Columbia, resulted in the election of Mr Tyler, the ballot being—Tyler 23, King, of Georgia, 15, scattering 1.

The next ballot, for chairman of the committee on the contingent expenses of the Senate, resulted in the election of Mr McKean, the ballot being—McKean 22, Ruggles 14, scattering 4.

The next ballot, for chairman of the committee on engrossed bills, resulted in the election of Mr Shepley, the ballot being—Shepley 22, McKean 13, scattering 6.

The Senate proceeded to ballot for the remaining members of the several committees, when the following were elected.

Foreign relations—Messrs. King, of Georgia, Tallmadge, Mangum and Porter.

Finance—Messrs. Cuthbert, Wright, Mangum and Tyler.

Commerce—Messrs. McKean, Linn, Tomlinson and Goldsborough.

Manufactures—Messrs. Ruggles, Morris, Prentiss and Hendricks.

Mr Clay, at this stage, moved that the Senate adjourn, and the Senate adjourned.

Dec. 17.

Mr Clay gave notice that he should, on Monday next, ask leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c.

After other business:

The Senate then proceeded to ballot for the remainder of the standing committees, and the following is a list of the committees, so far as the election of this day, in a perfect form:

On Agriculture—Messrs. Kent, King of Alabama, Morris and Wright.

On military affairs—Messrs. Wall, Preston, Goldsborough and Tipton.

On the militia—Messrs. McKean, Swift, Hendricks and Wall.

On naval affairs—Messrs. Tallmadge, Black, Robbins and Cuthbert.

On the public lands—Messrs. Moore, Prentiss, Crittenden and McKean.

On private land claims—Messrs. Linn, Ruggles, Porter and King, of Ga.

On Indian affairs—Messrs. Goldsborough, Tipton, Swift and Brown.

On claims—Messrs. Tipton, Shepley, Swift and Brown.

On the judiciary—Messrs. Buchanan, Leigh, Preston and Crittenden.

On the post office and post roads—Messrs. Robinson, Ewing, Knight and Davis.

On roads and canals—Messrs. McKean, Robinson, Kent and Robbins.

On pensions—Messrs. Tallmadge, Linn, Prentiss and McKean.

On the District of Columbia—Messrs. Kent, Naudin, Southard and King of Alabama.

On Revolutionary Claims—Messrs. White, Hubbard, Leigh and Shepley.

On the contingent expenses of the Senate—Messrs. Tomlinson and Brown.

On engrossed bills—Messrs. Hill and Morris.

The Senate concurred in the resolution of the house of representatives concerning the election of Chaplains, and The Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.  
Monday, Dec. 14.

Mr Howard moved the consideration of the vote by which the message from the President relative to the Ohio and Michigan boundary line, was ordered to be referred to a select committee; and, on his motion, the further consideration was postponed until to-morrow.

The message of Mr. Zalmom Wildman, of Conn. was announced, also that of Mr. Kane, of the Senate, and the usual tributes of respect were paid on their memorials. After which the house adjourned.

The following appointment of committees being announced—

On elections—Messrs. Claiborne, Griffin, Hawkins, Hard, Burns, Kilgore, Buchanan, Maury and Boyd.

Of ways and means—Messrs. Cambreleng, McKim, Loyal, Corwin, Johnston, of Tennessee, Smith of Maine, Lawrence of Mass. Ingersoll and Owens.

Of claims—Messrs. Whittlesey, Forrester, Banks, Bynum, Grennell, Davis, Tallafiero, P. C. Fuller and Chambers, of Ky.

On commerce—Messrs. Sutherland, Puckney, Pearce, of R. I. Gillett, Phillips, Johnston, of La. Ingham, of Conn. Cushman and McKean.

On the public lands—Messrs. Boon, Stale, Williams, of N. C. Lincoln, Casey Kennon, Dunlap, Chapman and Harrison of Missouri.

On the post office and post roads—Messrs. Connor, Briggs, Laporte, Hall, of Vt. Mann, N. Y. Cleveland, Froach, Shields and Hopkins.

On the District of Columbia: Messrs. W. B. Shepard, Heister, Vanderpool, Bouldin, Washington, Lane, Rogers, Fairfield and Townes.

On the judiciary: Messrs. Beardsley, Thomas, Hardin, Pierce, of N. H. Robertson, Peyton, Toucey, Jones, of Va. and Martin.

On revolutionary claims: Messrs. Mulenberg, Crane, Standifer, Tarrill, Kiarand, Beaumont, Craig, Chaplin and Underwood.

On public expenditures: Messrs. Page, Clarke, of Pa. McLane, Mason, of Mo. Deberry, Leonard, Haloy, White and Weeks.

On private land claims: Messrs. Carr,

Gilbrath, Patterson, Chambers, of Penn. May, Garland, of Va. Hammond Huntsman and Lawler.

On manufactures: Messrs. J. Q. Adams, Denny, Dickerson, McComas, Webster, Gideon, Lee, Judson, Halsey and Granger.

On agriculture: Messrs. Booke, Bean, Roan, Shinn, Deberry, Bailey, Logan, Phelps and Effner.

On Indian affairs: Messrs. Bell, McCarty, Everett, Graham, Ashley, Haynes, Lyon, Hawes and Chauncey.

On military affairs: Messrs. Johnston of Ky. Speight, Ward, Thompson, of O. Coffee, Burch, McKay, Anthony and Dromgool.

On the militia: Messrs. Glascock, Henderson, Wm K. Fuller, Wagoner, Calhoun, of Mass. Joshua Lee, of New York Carter, Coles and Williams, of Kentucky.

On naval affairs: Messrs. Jarvis, Milligan, Lansing, Reed, Grayson, Parker, Wise, Ash and Grantland.

On foreign relations: Messrs. Mason, of Va. Howard, Campbell, Cramer, Hamer, Allen, of Ky. Perks, Cushing, and Jackson, of Georgia.

On the territories: Messrs. Patton, Potts, Brown, Fowler, Pickens, Sprague, Pearce of Maryland, Borden and Montgomery.

On revolutionary pensions: Messrs. Wardwell, Lea, of Tenn. Lay, Jones, Storer, Morgan, Klingensmith, Bond and Fry.

On invalid pensions: Messrs. Miller, of Penn. Beale, Evans, of Maine, Schenck, Taylor, of N. Y. Harrison of Penn. Doubleday, Hoar and Howell.

On roads and canal—Messrs. Mercer, Vinton, Rencher, Lucas, Reynolds, of Ill. Hanuegan, Steele, Jackson, of Mass. and Calhoun, of Ky.

On revised and unfinished business—Messrs. Huntington, Mann, of Penn. Mason, of Ohio, Hartin and Farlin.

On accounts—Messrs. Lea, of N. J. Darlington, Hall, of Mo. Johnson, of Va. and Turner.

On expenditure in the department of state—Messrs. A. H. Shepherd, Calhoun, of Mass. Hunt of New York Morris and Siskles.

On expenditures in the treasury department—Messrs. Allen, of Vt. Harper, Spangler, Russell and Barton.

On expenditures on the department of war—Messrs. Jones, of Ohio Boyce, Johnson, of Va. Love and Hubley.

On expenditures in the navy department—Messrs. Hall, of Maine, Sloan, Seymour, Pettigrew and Mason, of N. Y.

On expenditures in the post office department—Messrs. Hawes, Burns, Childs, Bailey, of Maine and Reynolds of N. Y.

On expenditures on the public buildings—Messrs. Darlington, Hazeltine, Pearce, of R. I. Galbraith and Beale.

## SELECT COMMITTEES.

On the rules and orders of the house—Messrs. Mann, of N. Y. Adams, of Mass. Thomas, of Md. Williams, of N. C. Cambreleng, Everett, Parks, Parker and Chambers, of Penn.

## OHIO LEGISLATURE.

Much of the business before the Legislature, being local in its nature, cannot be interesting to our readers. We shall therefore content ourselves with making such selections from the common mass as may seem of general importance. The proceedings in relation to the "Expunging Resolutions" will be given at large. Involving as they do, a fundamental principle in our republican form of government, it is proper that these resolutions should be understood to all their bearings.

## STANDING COMMITTEES.

### SENATE.

Judiciary.—Messrs. McLaughlin, Howard and Allen.

Finance.—Messrs. McMechan, Houston and James.

Claims.—Messrs. Taylor Spangler and Sharp.

Canals.—Messrs. Medary, Steel and Hunt.

Roads and Highways.—Messrs. Vincent, Newel and Hopkins.

Schools and School Lands.—Messrs. Granger, Yoe and Scott.

New Counties.—Messrs. Black, Florence and Ravenscroft.

Military affairs.—Messrs. Lidey, Donnelly and Thompson.

Medical Colleges & Societies.—Messrs. Price, Kirby and Wardsworth.

Colleges and Universities.—Messrs. King, Crouse and Shupler.

Agriculture Manufactures and Commerce.—Messrs. Hopkins, Kendall and Medary.

Penitentiary.—Messrs. Patterson, King and Cox.

Library.—Messrs. Hunt, Granger and Price.

HOUSE OF REPRESENTATIVES.

Unfinished Business.—Messrs. Miller of Lawrence, Stivers, Moore of Delaware, Quinn and Brown.

Finance.—Messrs. Allen, Hosbrook, Humphrey, Hunt and Butler.

Judiciary.—Messrs. Harlan, Bostwick, Cushing, Medill and Walter.

Claims.—Messrs. Baldwin, Bently, Knapp, Armstrong, and De Wolf.

Schools.—Messrs. Van Hook, Saylor, Matthews, Moore, of Muskingum, and Stahleton.

School Lands.—Messrs. McDonald, Morris, Miller of Wayne, Champlin and Saylor.

Agriculture.—Messrs. Humphreys, Read, Creswell, Chambers and Reece.

Colleges and Universities.—Messrs. Creed, Knapp, Hough, Godman and Welton.

Canals.—Messrs. Morrow, Smith, Armstrong, Lyman and Conolin, of Hamilton.

Penitentiary.—Messrs. Faran, Sprague Robinson, Yontz and Holcomb.

Medical Colleges, and Medical Societies.—Messrs. Stidger, Hathway, McMeal Hubbard and Winship.

Roads and Highways.—Messrs. Enyears, Moore of Delaware, Coulter, Cutright and Mitchell.

New Counties.—Messrs. Ankeny, Quinn, Uter, Taylor, of Guernsey, and Taylor, of Mercer.

Militia and Military Affairs.—Messrs. Bostwick, Lowry, Ford, Whitmore and Sivers.

Banks and Banking system.—Messrs. Medill, Blackburn, of Stark, Patterson, Porter and Craigbill.

National Roads.—Messrs. Cushing, Chambers, Moore, of Muskingum, Gamble and Taylor, of Guernsey.

Libraries & Public Buildings.—Messrs. Latz, Robbins, Blackburn of Columbiana Conklin, of Morgan, and Road.

EXPUNGING RESOLUTIONS.

House.—Mr. Harlan offered the following preamble and resolutions, which on his motion were read on the table and ordered to be printed.

Whereas, the Senate of the United States did, on the 28th day of March, 1834 by Resolution declare, that the President in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in degradation of both. And whereas, that declaration was authorized by facts, and the adoption of said resolution by the Senate of the United States, a manifest usurpation of the impeaching power of the House of Representatives, as well as a dangerous invasion of the rights of the Executive, as such and as a citizen of the republic.

And, whereas, the President on the passage of the resolution aforesaid, caused to be laid before the Senate his protest against it, requesting the insertion thereof upon the Journal of that body, and whereas the Senate did refuse compliance with such just and reasonable request. And, whereas, if the said act of the Senate be permitted to pass uncensored, a precedent would thereby be established, founded in usurpation and justice, and subversive of the first principles of a Free Government—the right of the vilest criminal to meet his accusers face to face, and to be heard in his own defence.

And, whereas, the people of the State of Ohio require and demand of their Representatives in the Legislature assembled, a solemn and decided expression of disapprobation of the said act of the Senate.—Therefore,

Resolved, by the General Assembly of the State of Ohio, That the said resolution of the Senate, and the action had thereon by that body were without precedent gross assumptions of power not conferred by the Constitution and laws, but in violation of the spirits of both.

Resolved, That the Senators representing in Congress this State, be and they hereby are instructed and required to vote for the expunging of the resolution aforesaid, from the journals of the Senate.

Resolved, That we believe the right of instruction one of the fundamental principles of a representative government, and essentially necessary to the purity and stability of our republican institutions, and that in case the agents of the people are unable to obey the instructions of their respective constituents it is their solemn duty to resign the power intrusted to them into the hands of those who gave it.

Resolved, That the Governor of this State be requested to transmit to each of the Senators aforesaid, a copy of these resolutions; also a copy to the President and Vice President of the U States.

Resolved, That in consideration of the distinguished relation in which the Honorable Thomas H Benton, one of the Senators in Congress from the State of Missouri, stands to the subject of the foregoing resolutions, the Governor of this state be also requested to transmit a copy of these resolutions to that Senator.

## COURT IN BANK.

Monday, Dec. 7 1835.

Court met—present, all the Judges—Adjourned until to-morrow, nine o'clock.

Tuesday Dec. 8.

Thomas Leifer's Heirs, vs Henry Reynolds.—Champane.—Judge Hitchcock delivered the opinion of the Court. Where at the time of the forfeiture of lands for the non-payment of taxes, their ancestors was in life, but died before the sale; held that the infant heirs may redeem, and without paying for improvements made within two years from the purchase for taxes.

Miami Exporting Company, vs Heirs of Halley & others.—Hamilton.—Judge Wood delivered the opinion of the Court: Judgment, in the lifetime of a debtor holding real estate; sale by administrator of such debtor made irregularly; creditor may proceed by *scire facias* against the heirs and purchaser in possession, to revive the judgment and have execution awarded against the lands.

Administrator's deed attested by one witness, does not convey title.

Wednesday, Dec. 9.

State of Ohio, on relation of A. G. Brown, vs. Robert E. Constable.—Athens.—Motion for Mandamus Judge Hitchcock delivered the opinion of the Court; Held, the law does not authorize an election of Recorder until the October election next after the term of office of the incumbent has expired, or until, in some other way, an actual vacancy has occurred. Peremptory Mandamus awarded.

Leese, J. G. & G. McCullough, vs. Wm. Lee.—Harrison.—Judge Wood delivered the opinion of the Court;—Held, where, under the Statute of Descents of 22d February, 1805, an infant died seized of an estate inherited from the father, leaving neither brother or sister, the mother inherited the estate, as next of kin, to the conclusion of the fathers sister.—Judgment for defendant.

Arthur Dunn, vs. Wm. Evans, and others.—Belmont.—Judge Lane delivered the opinion of the Court; Held, that where A inherits lands by descent from his father, dies intestate and without issue, or brother or sister, and the estate passes to his uncle and aunt, as next kin of the blood of the ancestor from whom the estate came;—the mother of A again marries and has issue, the estate is transferred to such issue, and the right of uncle and aunt divested. Bill dismissed.

Lessee of Hamblins, and others, vs. Bovans and Reynolds.—Knox.—Judge Collett delivered the opinion of the Court; Held, that a decree in application for divorce and for alimony, assigning lands as alimony, only binds the land assigned from the entry of the decree where the specific lands are not described in the petition; that the record book of the Recorder of Deeds, when brought into Court, is evidence to the same extent that a certified copy would be; that a mistake in reciting the judgment or execution, in a Sheriff's deed, does not invalidate such deed.—New trial granted.

Thursday, Dec. 10.

Josiah Osburn, vs. State of Ohio.—Clermont.—Judge Wood, delivered the opinion of the Court; Held,

1. In a trial for perjury, it is sufficient to produce the original book of records, to prove the proceedings, in which the perjury was committed.

2. The admission, on the trial of evidence irrelevant and immaterial, and which does not prejudice the rights of the accused, is not sufficient ground for reversing the judgment.

3. A bill of exceptions that does not specify that the matter excepted to prejudiced the party excepting, will not be noticed.

4. It is not error to refuse permissions to the jury to take with them in consultation the record book given in evidence where they are permitted to examine it in Court.

5. A commitment to custody, for not giving bail, upon a defective order made during the trial, is no ground for reversing the judgment.

Judgment affirmed.

City of Cincinnati, vs. County of Hamilton.—Judge Hitchcock, delivered the opinion of the Court: Held, where a special verdict finds a dedication of lots to public uses by proprietors laying out a town, no county being established around, it is further find that the county when organized came into possession of the ground and occupied it for a court house and jail, with the consent of the people of the town to a certain period; & further "that in so occupying said property it was strictly in accordance with the object had in view by the original donors." It is a finding of the right in the county.

From the N. Y. Com. Adv. of Dec. 17.

DREADFUL CALAMITY!

New York has been for 15 hours in flames! They are not yet extinguished. A large section, and that the oldest and most wealthy portion of the city, is in ruins, and whether the progress of the Destroyer is yet completely arrested, we cannot tell. Since the conflagration of Moscow, no calamity by fire, so extensive and so dreadful, has befallen any city in the world. The fire broke out in Merchant street in the triangular block formed by Wall, William and Pearl sts., at about 9 o'clock last night. A fierce wind was blowing from the north-west, and the weather was so intensely cold as to render the efficient working of the engines impossible. The consequences was, that the fire held the mastery through the night—spreading with great and destructive rapidity. It was an awful night for New York and for the country. But we can neither describe the grandeur of the spectacle, nor its terrors, nor the desolation brought more distinctly to view by the morning light.—The arm of man was powerless; and many of our citizens who retired to their pillows in silence, were bankrupts on awakening.

The fact of the powerlessness of the firemen, from the almost instantaneous congelation of the water, and the benumbing influence of the cold, increased the consternation which prevailed among the thousands of the agitated multitude who were witnesses of the calamity—many of them doomed to stand and see the destruction of their own fortunes, without being able to lift a finger for the rescue. To arrest the flames was at once seen to be impossible, save by the blowing up of ranges of buildings in advance of the fire, that its progress might thus be interrupted.—But the difficulty was to obtain powder, none of consequence being allowed in the city. A sufficient supply could not be obtained short of the navy yard—whence, also the mayor was also obliged to send for a strong military force, to preserve property from the swarms of robbers who are ever ready on such occasions. [What a commentary on the depravity of man!]

Such is the confusion that prevails, and such the difficulty of working, one's way among the smoke, and fire and heated ruins, that it is impossible to detail particulars with any pretension to accuracy.—Below we have given the account prepared for the Mercantile Advertiser, one of the two surviving morning papers, at the late hour at which that paper was put to press. The conflagration continued to extend for some hours afterwards. The reader may form some opinion of the magnitude of the calamity, by the following statement, prepared by consulting the map, after we had walked around the ruins for the purpose of a deliberate survey.

South of Wall street from William street to East river, including the Merchants Exchange, and excepting some three or four buildings between Merchant street (formerly Hanover) and Pearl. Also from William to Broad, buildings not destroyed but injured in the rear.

Exchange street, both sides, from Broad street, crossing William to Merchant street—the Garden street church was embraced in this section.

Merchants street (formerly Hanover) both sides, from Wall to Hanover square.

William street, both sides, from Wall to Hanover square.

Pearl street, both sides, from Wall street to Coenties slip, including the whole sweep of Hanover square.

Stone street, from Hanover square to the lane leading to the head of Coenties slip.

Exchange street and part of Beaver street, from Pearl nearly to Broad.

Water street, both sides, from Coffee-house slip to Coenties slip.